

Entered - 07-02-01 - sb
CL 01L0408 - GWENDOLYN BURNS

CLAIM OF: DONNA M. MEYER
72 Lannon Avenue, NE
Atlanta, Georgia 30317

01-*R*-1195

For property damages alleged to have been sustained when a sanitation truck pulled down a telephone wire causing exterior damage to a residence on May 22, 2001 at 72 Lannon Avenue, NE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **DONNA M. MEYER** the sum of **\$561.54** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained when a sanitation truck pulled down a telephone wire causing exterior damage to a residence on May 22, 2001 at 72 Lannon Avenue, NE., as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0408

Date: July 13, 2001

Claimant /Victim DONNA M. MEYER
BY: (Atty) (Ins. Co.) _____
Address: 72 Lannon Avenue, NE, Atlanta, Georgia 30317
Subrogation: _____ Claim for Property damage \$ 561.54 Bodily Injury \$ _____
Date of Notice: 6/26/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) _____ X
Date of Occurrence 5/22/01 Place: 72 Lannon Avenue, NE
Department PUBLIC WORKS Division Solid Waste Services
Employee involved Robert Greer Disciplinary Action: Written counseling

NATURE OF CLAIM: Claimant's residence sustained damages when a sanitation truck accidentally pulled her telephone lines from her home causing damage to the gutters and siding of the house.

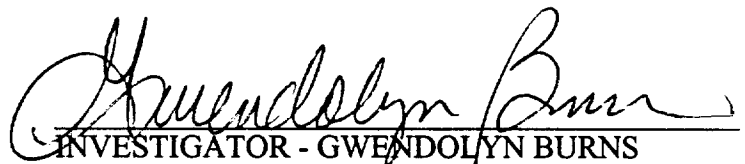
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 561.54 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 07-18-01
Committee Action _____ Council Action _____

CERTIFIED MAIL

14 June 2001

ENTERED - 7-2-01 - SB
01L0408 - GWEN BURNS

Mr. Stanley Fluker
Route Supervisor
Solid Waste Services
City of Atlanta
Department of Public Works
128 Claire Drive, SE
Atlanta, GA 30315

Dear Mr. Fluker:

This letter is in regards to an accident that occurred at my residence at approximately 3:00 p.m. on May 22, 2001. My property is located at 72 Lannon Ave NE, Atlanta, GA, 30317. A City of Atlanta garbage truck snagged a telephone wire that crosses the road, and was apparently lodged on the truck. As the truck drove down the street, the wire snapped and pulled off my gutter and some siding and damaged the downspout. The gutter that was ruined ran the entire length of my house.

In addition, to ruining the gutter, the down spout was damaged and a piece of novelty siding was pulled from my house remaining attached to the gutter.

I spoke with you briefly the day of the incident regarding my recourse in this matter. You indicated you would put a claim form in my mailbox and that I would be required to get estimates for repair. I notified you by letter dated May 23, 2001 that because of the urgency of this matter, that I would have the repairs done myself and expect reimbursement from the City of Atlanta upon its completion. This letter is to advise you that the required work has been completed.

Following is a breakdown of the repairs and the dollar amount expended. Enclosed are copies of the estimates from the contractors I used, receipts for materials purchased and photographs taken of the damage. I am satisfied with the completed job.

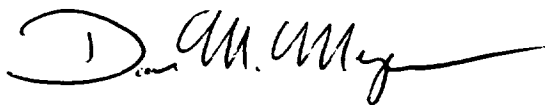
Replace siding, corner board and fascia board	
Materials	\$ 76.27
Labor	\$100.00

BURNS
06/24/01
[Signature]

Replace 6" gutter and downspout	\$200.00
Painting	
Materials	\$ 10.98
Labor (my hourly wage is \$32.84)	\$ 65.68
Time and Inconvenience Charge	
Time off of work to line-up contractors, getting materials, replacing washed out landscaping	\$ 98.52
2 days without security system and phone for which I must pay regardless of whether its used or not	\$ 4.09
Cancelled Check fees	\$ 6.00
Total amount due	\$561.54

I will expect the City of Atlanta to directly and immediately reimburse me for these repairs. If you have any questions please call me at (404) 305-7152 between the hours of 7 a.m. and 4:30 p.m. or after 5:00 p.m. at (404) 373-7519. I look forward to your prompt attention to this matter.

Sincerely,



Donna M. Meyer

Enclosures

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0408

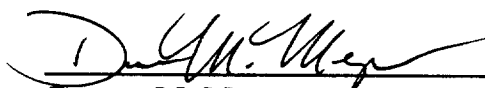
\$ 561.54

IN CONSIDERATION of the sum of FIVE HUNDRED SIXTY ONE DOLLARS AND 54/100 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a property damage incident which occurred on or about the 22th day of May, 2001, at or near 72 Lannon Avenue, NE

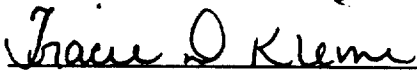
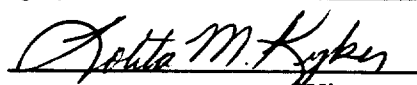
It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 12th day of July, 2001.


Donna M. Meyer (LS)

The above release was read and explained to, and signed by the said Donna M. Meyer
in our presence on the date above written. (Donna M. Meyer)



Witnesses

01-L-1195